

## REMARKS

Applicant has carefully reviewed the Office Action mailed October 10, 2006, prior to preparing this response. Currently claims 22-51 are pending in the application, wherein claims 22-51 have been rejected. Claims 22 and 39-50 have been amended, claims 52 and 53 have been added, and claims 24 and 25 have been cancelled with this paper. Additionally, the specification has been amended to update the priority claim of the application. No new matter has been added with these amendments. Favorable consideration of the above amendments and following remarks is respectfully requested.

### Double Patenting Rejection

Claims 22-51 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,676,593. Applicants have enclosed a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) with this response in order to obviate the double patenting rejection.

### §102 Rejections

Claims 22-24, 31-32 and 36-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Von Iderstein, U.S. Patent No. 5,624,374. Applicants respectfully traverse this rejection.

Claim 22 has been amended to include the limitations of claim 25 and interceding claim 24. Applicants note the only rejection of claim 25 presented in the Office Action was based on the double patenting rejection. Applicants assume claim 25 is otherwise allowable. In view of the terminal disclaimer submitted herewith, amended claim 22, which includes the limitations of claim 25 is believed to be in condition for allowance. Withdrawal of the rejection of claim 22, as well as claims depending from claim 22, is respectfully requested.

Claim 39, as amended, recites that the proximal portion of the distal member is hingedly connected to the distal portion of the sheath. Applicants respectfully assert Von Iderstein fails to teach at least this limitation of claim 39. In formulating the rejection of claim 39, the valve jacket 18 of Von Iderstein is equated to the claimed sheath, and the jacket membrane collar 20 and inflatable collar membrane 24 is equated to the claimed distal member. However, at no point does Von Iderstein suggest that either the jacket membrane

collar 20 or the inflatable collar membrane 24 is hingedly connected to the 18. For at least this reason, claim 39 is believed to be in condition for allowance. Withdrawal of the rejection of claim 39 is respectfully requested.

Claim 40 stands rejected under 35 U.S.C. §102(b) as being anticipated by Kulisz et al., U.S. Patent No. 5,618,257. Applicants respectfully traverse this rejection.

Claim 40, as currently amended, recites that the distal member is coaxially aligned with the sheath in the longitudinally extended position. Kulisz seems to at least fail to teach this limitation of claim 40. As shown in FIGS. 6-10 of Kulisz, the retention springs 30, which the Examiner equates with the claimed distal member, are not coaxially aligned with another component of the illustrated assembly. As illustrated, the springs 30 are angled outward and contact the inner surface of the device handler tube 20 and/or the outer tube 12 until released within the bladder. For at least this reason, claim 40 is believed to be in condition for allowance. Withdrawal of the rejection of claim 40 is respectfully requested.

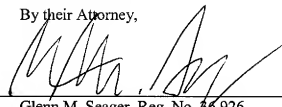
Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,

VALERY MIGACHYOV et al.

By their Attorney,

Date: Feb. 8, 2007

  
Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Tel: (612) 677-9050